

### **Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

### **Listing of Claims:**

1. (Currently amended) A computer-implemented method for monitoring responses to test questions presented in a data processing system, the method comprising the computer implemented steps of:

identifying presentation of the test questions on the data processing system;

responsive to the presentation of the test questions on the data processing system, monitoring test question timing data in which the test question timing data represents an elapsed time since an answered question from the test questions has been presented, wherein the elapsed time is an amount of time in attempting to answer a test question; and

generating an alert after the test question timing data exceeds a threshold while continuing to present the test question for the test taker to answer, wherein the alert apprises a test taker that the elapsed time is excessive for the test question, ~~[[and]]~~ wherein the alert is generated based on an alert schedule for the test question, wherein the alert schedule is generated for the test taker based on a customized alert profile for the test taker, and wherein the customized alert profile includes previous performance information of the test taker, information to associate a level of difficulty of a particular test question with a capability category of the test taker to answer the particular test question, and alert thresholds for the test questions.

2. (Previously presented) The computer-implemented method of claim 1, wherein the monitoring step is performed by a proctor device or a program on the data processing system.

3. (Currently amended) The computer-implemented method of claim 1, wherein ~~said generating step is performed by an applet~~ the presentation of the test questions is based on levels of difficulty of the test questions and the capability category of the test taker to answer the test questions.

4. (Previously presented) The computer-implemented method of claim 1 further comprising:  
billing a client for monitoring the presentation of the test questions.

5. (Previously presented) The computer-implemented method of claim 1, wherein the test questions are part of a test and further comprising:

storing an identification of a number of test takers for the test; and  
billing a client based on the number of test takers for the test.

6. (Currently amended) A computer-implemented method of monitoring a test question response time, comprising the steps of:

administering a test to a remotely located user of a client device;

receiving test question timing data from the client device, the test question timing data

representing an elapsed time used by the remotely located user in attempting to answer a test question from a plurality of test questions that are to be provided to the client device during administration of the test; [[and]]

outputting the test question timing data to a proctor device such that the proctor device may monitor the elapsed time in attempting to answer the test question for the remotely located user;

wherein said remotely located user can send an instant message to and receive an instant message from said proctor device and wherein said proctor device can send an instant message to and receive an instant message from a plurality of remotely located users, and wherein instant messages are used to communicate and clarify test question wording details, test instructions, and the test question timing data during the test; and

alerting the remotely located user when the test question timing data exceeds a predetermined threshold based on an alert schedule for the test question while the remotely located user continues to attempt to answer the test question, wherein the alert schedule is generated for the remotely located user based on a customized alert profile for the remotely located user, and wherein the customized alert profile includes previous performance information of the remotely located user, information to associate a level of difficulty of a particular test question with a capability category of the remotely located user to answer the particular test question, and a plurality of predetermined thresholds for the plurality of test questions.

7. (Previously presented) The computer-implemented method of claim 6, further comprising billing a test developer for administration of the test to the remotely located user.

8. (Previously presented) The computer-implemented method of claim 6, further comprising billing the remotely located user for administration of the test.

9 - 11. (Canceled)

12. (Previously presented) The computer-implemented method of claim 6, further comprising storing a score for the test in a permanent storage.
13. (Previously presented) The computer-implemented method of claim 6, wherein the test is developed by a test developer and wherein the method is implemented by a test administration system that is operated by a different entity from the test developer.
14. (Previously presented) The computer-implemented method of claim 6, further comprising:  
receiving a request for administration of the test to the remotely located user;  
establishing a session identification for the administration of the test to the remotely located user;  
and  
correlating the test question timing data to the administration of the test to the remotely located user based on the session identification.
15. (Previously presented) The computer-implemented method of claim 14, wherein the session identification includes a proctor device identifier, and wherein outputting the test question timing data to the proctor device is based on the proctor device identifier.
16. (Previously presented) The computer-implemented method of claim 6, further comprising:  
storing an indicator of a number of test takers for the test; and  
billing a test developer of the test based on the number of test takers for the test.
17. (Currently amended) The computer-implemented method of claim 6, further comprising:  
monitoring the test question timing data for evidence of greater than expected response time to the test question, wherein outputting the test question timing data to a proctor device is performed by a test administration system in response to determining that evidence of greater than expected response time to the test question is present.
18. (Previously presented) The computer-implemented method of claim 17, wherein monitoring the test question timing data for evidence of greater than expected response time to the test question includes comparing previously received test question timing data to currently received test question timing data to determine if a change in the test question timing data indicates evidence of greater than expected response time to the test question.

19. (Canceled)

20. (Canceled)

21. (Currently amended) The computer-implemented method of claim [[19]] 6, further comprising: storing a response to the test question from the remotely located user to update the customized alert profile for use in future tests.

22. (Currently amended) The computer-implemented method of claim 6, further comprising: storing of the timing data for the test question to update timing data for the remotely located user in the customized alert profile for use in future tests.

23. (Currently amended) An apparatus for monitoring responses to test questions presented in a data processing system, the apparatus comprising:

identifying means for identifying presentation of the test questions on the data processing system;

monitoring means, responsive to the presentation of the test questions on the data processing system, for monitoring test question timing data in which the test question timing data represents an elapsed time since an answered question from the test questions has been presented, wherein the elapsed time is an amount of time in attempting to answer a test question; and

generating means for generating an alert after the test question timing data exceeds a threshold while continuing to present the test question for the test taker to answer, wherein the alert apprises a test taker that the elapsed time is excessive for the test question,[[and]] wherein the alert is generated based on an alert schedule for the test question, wherein the alert schedule is generated for the test taker based on a customized alert profile for the test taker, and wherein the customized alert profile includes previous performance information of the test taker, information to associate a level of difficulty of a particular test question with a capability category of the test taker to answer the particular test question, and alert thresholds for the test questions.

24. (Original) The apparatus of claim 23, wherein the apparatus is a proctor device or a program on the data processing system.

25. (Currently amended) The apparatus of claim [[24]] 23, wherein ~~the program is an applet~~ the presentation of the test questions is based on levels of difficulty of the test questions and the capability category of the test taker to answer the test questions.

26. (Original) The apparatus of claim 23 further comprising:  
billing means for billing a client for monitoring the presentation of the test questions.
27. (Original) The apparatus of claim 23, wherein the test questions are part of a test and further comprising:  
storing means for storing an identification of a number of test takers for the test; and  
billing means for billing a client based on the number of test takers for the test.
28. (Currently amended) A data processing system comprising:  
a bus system;  
a communications unit connected to the bus system;  
a storage device connected to the bus system, wherein the storage device includes a set of instructions; and  
a processing unit connected to the bus system, wherein the processing unit executes the set of instructions to identify presentation of the test questions on the data processing system, monitor test question timing data in response to the presentation of the test questions on the data processing system in which the test question timing data represents an elapsed time since an answered question from the test questions has been presented, wherein the elapsed time is an amount of time in attempting to answer a test question, and generate an alert after the test question timing data exceeds a threshold while continuing to present the test question for a test taker to answer, wherein the alert apprises [[a]] the test taker that the elapsed time is excessive for the test question, and wherein the alert is generated based on an alert schedule for the test question, wherein the alert schedule is generated for the test taker based on a customized alert profile for the test taker, and wherein the customized alert profile includes previous performance information of the test taker, information to associate a level of difficulty of a particular test question with a capability category of the test taker to answer the particular test question, and alert thresholds for the test questions.
29. (Currently amended) An apparatus for monitoring a test question response time, comprising:  
a controller; and  
at least one interface coupled to the controller, wherein the controller administers a test to a remotely located user of a client device via the at least one interface, receives test question timing data from the client device via the at least one interface, the test question timing data representing an elapsed time used by the remotely located user in attempting to answer a test question from a plurality of test questions that are to be provided to the client device during administration of the test, [[and]] outputs the

test question timing data to a proctor device via the at least one interface, such that the proctor device may monitor the elapsed time in attempting to answer the test question for the remotely located user, wherein said processing unit provides instant messaging between said remotely located user and a proctor, wherein said remotely located user can send an instant message to and receive an instant message from said proctor and wherein said proctor can send an instant message to and receive an instant message from a plurality of remotely located users, and wherein instant messages are used to communicate and clarify test question wording details, test instructions, and the test question timing data during the test, and wherein the controller alerts the remotely located user when the test question timing data exceeds a predetermined threshold based on an alert schedule for the test question, wherein the alert schedule is generated for the remotely located user based on a customized alert profile for the remotely located user, and wherein the customized alert profile includes previous performance information of the remotely located user, information to associate a level of difficulty of a particular test question with a capability category of the remotely located user to answer the particular test question, and a plurality of predetermined thresholds for the plurality of test questions.

30. (Original) The apparatus of claim 29, wherein the controller bills a test developer for administration of the test to the remotely located user.
31. (Original) The apparatus of claim 29, wherein the controller bills the remotely located user for administration of the test.
32. (Original) The apparatus of claim 29, wherein the controller sends an instant message to the client device via the at least one interface.
33. (Original) The apparatus of claim 29, wherein the controller receives an instant message from the client device via the at least one interface.
34. (Canceled)
35. (Original) The apparatus of claim 29, further comprising a storage device, wherein the controller stores a score for the test in the storage device.
36. (Original) The apparatus of claim 29, wherein the test is developed by a test developer and wherein the apparatus is operated by a different entity from the test developer.

37. (Original) The apparatus of claim 29, wherein the controller receives a request for administration of the test to the remotely located user, establishes a session identification for the administration of the test to the remotely located user, and correlates the test question timing data to the administration of the test to the remotely located user based on the session identification.

38. (Original) The apparatus of claim 37, wherein the session identification includes a proctor device identifier, and wherein the controller outputs the test question timing data to the proctor device based on the proctor device identifier.

39. (Original) The apparatus of claim 29, further comprising a storage device, wherein the controller stores an indicator of a number of test takers for the test in the storage device and bills a test developer of the test based on the number of test takers for the test.

40. (Original) The apparatus of claim 29, wherein the controller monitors the test environment data for evidence of greater than expected response time to the test question, and wherein the controller outputs the test question timing data to a proctor device in response to determining that evidence of greater than expected response time to the test question is present.

41. (Original) The apparatus of claim 40, wherein the controller monitors the test question timing data for evidence of greater than expected response time to the test question by comparing previously received test question timing data to currently received test environment data to determine if a change in the test question timing data indicates evidence of greater than expected response time to the test question.

42. (Canceled)

43. (Canceled)

44. (Currently amended) The apparatus of claim [[42]] 29, further comprising: storing a response to the test question from the remotely located user to update the customized alert profile for use in future tests.

45. (Currently amended) The apparatus of claim 29, further comprising: storing of the timing data for the test question to update timing data for the remotely located user in the customized alert profile for use in future tests.

46. (Currently amended) A computer program product in a computer readable medium for monitoring a test question response time, comprising:

first instructions for administering a test to a remotely located user of a client device;

second instructions for receiving test question timing data from the client device, the test question timing data representing an elapsed time used by the remotely located user in attempting to answer a test question from a plurality of test questions that are to be provided to the client device during administration of the test;

third instructions for outputting the test question timing data to a proctor device such that the proctor device may monitor the elapsed time in attempting to answer the test question for the remotely located user; and

fourth instructions for providing instant messaging between the remotely located user and a proctor, wherein said remotely located user can send an instant message to and receive an instant message from said proctor and wherein said proctor can send an instant message to and receive an instant message from a plurality of remotely located users, and wherein instant messages are used to communicate and clarify test question wording details, test instructions, and the test question timing data during the test;  
and

fifth instructions for alerting the remotely located user when the test question timing data exceeds a predetermined threshold based on an alert schedule for the test question while the remotely located user continues to attempt to answer the test question, wherein the alert schedule is generated for the remotely located user based on a customized alert profile for the remotely located user, and wherein the customized alert profile includes previous performance information of the remotely located user, information to associate a level of difficulty of a particular test question with a capability category of the remotely located user to answer the particular test question, and a plurality of predetermined thresholds for the plurality of test questions.

47. (Currently amended) A computer program product in a computer readable medium for use in monitoring responses to test questions presented in a data processing system, the computer program product comprising:

first instructions for identifying presentation of the test questions on the data processing system;

second instructions, responsive to the presentation of the test questions on the data processing system, for monitoring test question timing data in which the test question timing data represents an elapsed time since an answered question from the test questions has been presented, wherein the elapsed time is an amount of time in attempting to answer a test question; and

third instructions for generating an alert after the test question timing data exceeds a threshold while continuing to present the test question for the test taker to answer, wherein the alert apprises a test taker that the elapsed time is excessive for the test question, ~~and~~ wherein the alert is generated based on an alert schedule for the test question, wherein the alert schedule is generated for the test taker based on a customized alert profile for the test taker, and wherein the customized alert profile includes previous performance information of the test taker, information to associate a level of difficulty of a particular test question with a capability category of the test taker to answer the particular test question, and alert thresholds for the test questions.

48. (Original) The computer program product of claim 47, wherein the second instructions are located in a proctor device or a program on the data processing system.

49. (Original) The computer program product of claim 47 further comprising:  
fourth instructions for billing a client for monitoring the presentation of the test questions.

50. (Original) The computer program product of claim 47, wherein the test questions are part of a test and further comprising:

fourth instructions for storing an identification of a number of test takers for the test; and

fifth instructions for billing a client based on the number of test takers for the test.

51. (Currently amended) A computer-implemented method for monitoring responses to test questions presented in a data processing system, the method comprising the steps of:

administering, from an examination server, a plurality of tests to a plurality of remotely located users on a plurality of user devices and for each test of said plurality of tests that is administered:

establishing a session identification for the administration of the test to the remotely located user, wherein said session identification includes a user identification, a test identifier, and a proctor device identifier;

identifying presentation of the test questions on a user device of said user devices;

responsive to the presentation of the test questions on said user device,  
monitoring test question timing data in which the test question timing data represents an elapsed time since an answered question from the test questions has been presented, wherein the elapsed time is an amount of time in attempting to answer a test question;

correlating the test question timing data to the administration of the test to the remotely located user based on the session identification;

wherein the test question timing data is output to said proctor device, based on said proctor device identifier, in response to determining that evidence of greater than expected response time to the test question is present; and

generating an alert message after the test question timing data exceeds a threshold while continuing to present the test question for the remotely located user to answer, wherein the alert message apprises the remotely located user that the elapsed time is excessive for the test question, wherein the alert message is generated based on an alert schedule for the test question, wherein the alert schedule is generated for the remotely located user based on a customized alert profile for the remotely located user, and wherein the customized alert profile includes previous performance information of the remotely located user, information to associate a level of difficulty of a particular test question with a capability category of the remotely located user to answer the particular test question, and a plurality of alert thresholds for the test questions;

wherein the remotely located user can send instant messages to and receive instant messages from a proctor device associated with said examination server and wherein said proctor device can send instant messages to and receive instant messages from the plurality of remotely located users, and wherein instant messages are used to communicate and clarify test question wording details, test instructions, and the test question timing data for the remotely located user during the test.